

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

*In the Matter of:*

Climax Post Office  
Climax, New York

Docket No. A2011-83

UNITED STATES POSTAL SERVICE  
COMMENTS REGARDING APPEAL  
(November 9, 2011)

On September 22, 2011, the Postal Regulatory Commission (Commission) received a petition for review postmarked September 8, 2011, from postal customer Sue Keeler ("Petitioner") objecting to the discontinuance of the Post Office at Climax, NY. On September 26, 2011, the Commission issued Order No. 873, its Notice and Order Accepting Appeal and Establishing Procedural Schedule under 39 U.S.C. § 404(d). The Petitioner filed a Participant Statement in support of the petition on October 28, 2011. On November 1, 2011, she also filed a supplemental Participant Statement containing a letter from customer Robert Welch, Sr. ("Mr. Welch" or "Welch Letter"). In accordance with Order No. 873, the administrative record was filed with the Commission on October 4, 2011.

The appeal, the Participant Statement, and the letter from Mr. Welch raise five issues: (1) the impact on the provision of postal services, (2) the impact upon the Climax community, (3) the calculation of economic savings expected to result from discontinuing the Climax Post Office; (4) the effect of the closing on the noncareer postmaster relief who has been operating the Climax Post Office, and (5) procedural issues. As reflected in the administrative record of this proceeding, the Postal Service

gave each of the first four issues serious consideration, and the Postal Service addresses concerns about procedures. In addition, consistent with the Postal Service's statutory obligations and Commission precedent,<sup>1</sup> the Postal Service gave consideration to a number of other issues. Accordingly, the determination to discontinue the Climax Post Office should be affirmed.

### **Background**

The Final Determination To Close the Climax Post Office and Continue to Provide Service by Highway Contract Route Service ("Final Determination" or "FD"),<sup>2</sup> as well as the administrative record, indicate that the Climax Post Office provides EAS-13 level service to 170 carrier delivery customers, to 95 Post Office Box or general delivery customers, and to retail customers from 8:00 a.m. to 1:00 p.m. and 2:00 p.m. to 4:30 p.m. Monday through Friday, and from 8:00 a.m. to 11:30 a.m. on Saturdays.<sup>3</sup> The Postmaster of the Climax Post Office was promoted on March 13, 2010. Since the Postmaster vacancy arose, an employee from a neighboring office was installed as an officer-in-charge ("OIC") to operate the office. The noncareer postmaster relief ("PMR") serving as the OIC may be separated from the Postal Service, although attempts will be made to reassign her to a nearby facility.<sup>4</sup> The average number of daily retail window

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<sup>1</sup> See 39 U.S.C. 404(d)(2)(A).

<sup>2</sup> The Final Determination can be found at Item 47 in the Administrative Record. All citations to the Final Determination will be to "FD at \_\_\_\_," rather than to Item 47. The FD page number refers to the pages as marked on the upper right of the document. Other items in the administrative record are referred to as "Item \_\_\_\_."

<sup>3</sup> FD at 2, 8; Item No. 9, Workload Service Credit Worksheet; Item No. 15, Post Office Survey, at 1; Item No. 18, (Form 4920) Post Office Closing or Consolidation Proposal Fact Sheet ("Post Office Fact Sheet"), at 1; Item No. 33, Proposal to Close the Climax, NY Post Office and Continue to Provide Service by Highway Contract Route Service ("Proposal"), at 2, 8; Item No. 41, Revised Proposal, at 2, 9; Item No. 42, Revised Post Office Fact Sheet, at 1.

<sup>4</sup> FD at 2, 7, 8; Item No. 10, Window Transaction Survey; Item No. 18, Post Office Fact Sheet; Item No.

transactions at the Climax Post Office is 63, accounting for 77 minutes of workload daily. Revenue generally has been declining: \$76,955 (201 revenue units) in FY 2008; \$72,781 (190 revenue units) in FY 2009; and \$ 71,673 (187 revenue units) in FY 2010.<sup>5</sup>

Upon implementation of the Final Determination, delivery and retail services will be provided by Highway Contract Route Service ("HCR") administered by the Earlton Post Office, an EAS-15 level office located three miles away, which has 90 available Post Office Boxes.<sup>6</sup> This service will continue upon implementation of the Final Determination.<sup>7</sup>

The Postal Service followed the proper procedures that led to the posting of the Final Determination. All issues raised by the customers of the Climax Post Office were considered and properly addressed by the Postal Service. The Postal Service complied with all notice requirements. In addition to the posting of the Proposal and Final Determination, customers received notice through other means. Questionnaires were distributed to all Post Office Box customers of the Climax Post Office. Questionnaires were also available over the counter for retail customers at Climax.<sup>8</sup> A letter from the Manager of Post Office Operations, Albany, New York was also made available to postal customers, which advised customers that the Postal Service was evaluating whether the continued operation of the Climax Post Office was warranted, and that

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21, Letter to Postal Customer from Manager, Post Office Operations ("Letter to Customer"), at 1; Item No. 33, Proposal, at 2, 8; Item No. 41, Revised Proposal, at 2, 9; Item No. 42, Revised Post Office Fact Sheet, at 1

<sup>5</sup> FD, at 2; Item No. 18, Post Office Fact Sheet, at 1; Item No. 33, Proposal, at 2; Item No. 41, Revised Proposal, at 2; Item No. 42, Revised Post Office Fact Sheet, at 1.

<sup>6</sup> FD at 2; Item No. 18, Post Office Fact Sheet, at 1; Item No. 33, Proposal, at 2; Item No. 41, Revised Proposal, at 2; Item No. 42, Revised Post Office Fact Sheet, at 1.

<sup>7</sup> FD at 1; Item No. 33, Proposal, at 1; Item No. 41, Revised Proposal, at 1.

<sup>8</sup> FD at 2; Item No. 20, Questionnaire Instruction Letter from P.O. Review Coordinator to OIC/Postmaster at Climax Post Office, at 1; Item No. 33, Proposal, at 2; Item No. 41, Revised Proposal, at 2.

effective and regular service could be provided through HCR delivery and retail services available at the Earlton Post Office. The letter invited customers to complete and return a customer questionnaire and to express their opinions about the service that they were receiving and the effects of a possible change involving HCR delivery.<sup>9</sup> Ninety-seven customers returned questionnaires, and the Postal Service responded.<sup>10</sup> In addition, representatives from the Postal Service were available at the Earlton Post Office for a community meeting on May 16, 2011 to answer questions and provide information to customers – a fact that was mentioned in the letter to customers and was announced in a poster, as well. Eighteen customers attended.<sup>11</sup> Customers received formal notice of the Proposal and Final Determination through postings at nearby facilities. The Proposal was posted with an invitation for public comment at the Climax Post Office and the Earlton Post Office for 60 days beginning June 2, 2011 and ending August 3, 2011.<sup>12</sup>

During the time when the Proposal was posted in Climax and Earlton on June 24, 2011, Petitioner submitted a petition to “Save the Climax Post Office!” bearing 220 signatures. Item No. 27, Petition and Postal Service Response Letter. The Postal Service mailed Petitioner an acknowledgment of receipt of the petition and added it and its attached photograph to the administrative record. Item No. 27, Petition and Postal Service Response Letter, at 2. Petitioner posted a second copy of the petition in the Climax Post Office (but bearing an additional 83 signatures). Item No. 27, Petition and

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<sup>9</sup> Item No. 21, Letter to Customer, at 1; Item No.23, Customer Questionnaire Analysis, at 1.

<sup>10</sup> FD at 2; Item No. 22, Returned customer questionnaires and Postal Service response letters.

<sup>11</sup> FD at 2; Item No. 21, Letter to Customer, at 1, 5; Item No. 24; Community Meeting Roster; Item No. 25, Community Meeting Analysis; Item No. 33, Proposal, at 2; Item No. 41, Revised Proposal, at 2.

<sup>12</sup> FD at 2; Item No. 36, Round-date Stamped Proposals.

Postal Service Response Letter, at 3-14. The Postal Service advised Petitioner that the Post Office is not an authorized location to obtain signatures, but still added the petition to the administrative record. Item No. 27, Petition and Postal Service Response Letter, at 3-14. The Postal Service revised its Proposal to note that the petition had been received. Item No. 41, Revised Proposal, at 2.

Twenty-two customers returned comments in response to the “Invitation for Comments” after the Proposal was posted.<sup>13</sup> The Postal Service addressed those concerns in letters to the customers.<sup>14</sup> The Final Determination was posted at the Climax and Earleton Post Offices beginning on August 25, 2011 and ending September 26, 2011, as confirmed by the round-dated Final Determination cover sheets that appear in the administrative record as Item No. 49.

In light of a Postmaster vacancy; minimal workload; low and decreasing office revenue;<sup>15</sup> the variety of delivery and retail options (including the convenience of rural delivery and retail service);<sup>16</sup> no projected population, residential, commercial, or business growth in the area;<sup>17</sup> minimal impact upon the community; and the expected financial savings,<sup>18</sup> the Postal Service issued the Final Determination.<sup>19</sup> Regular and

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<sup>13</sup> Item No. 38, Customer Comments and USPS Response Letters; Item No.40, Analysis of Comments.

<sup>14</sup> Item No. 38, Customer Comments and USPS Response Letters, at 16-24.

<sup>15</sup> See note 5 and accompanying text.

<sup>16</sup> FD at 4, 6, 8; Item No. 33, Proposal, at 4, 7, 8; Item No. 41, Revised Proposal, at 4, 7, 9.

<sup>17</sup> FD at 6-7; Item No. 16, Community Survey Sheet, at 1 and 2.

<sup>18</sup> FD at 7, 8; Item No.18, Post Office Fact Sheet, at 1; Item No. 29, Proposal Checklist, at 2; Item No. 33, Proposal, at 8; Item No. 41, Revised Proposal, at 9; Item 42, Revised Post Office Fact Sheet, at 1.

<sup>19</sup> FD at 8.

effective postal services will continue to be provided to the Climax community in a cost-effective manner upon implementation of the final determination.<sup>20</sup>

Each of the issues raised by the Petitioner is addressed in the paragraphs which follow.

### **Effect on Postal Services**

Consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iii) and as addressed throughout the administrative record, the Postal Service considered the effect of closing the Climax Post Office on postal services provided to Climax customers. The closing is premised upon providing regular and effective postal services to Climax customers.

The Petitioner and Mr. Welch both raise the issue of the effect on postal services of the Climax Post Office's closing, noting the convenience of the Climax Post Office and requesting its retention. Petitioner also contends that service through the Earlton Post Office will not provide the maximum degree of effective postal services because customers should not have to travel several miles to Earlton to conduct post transactions. More specifically, she states that the town of Earlton "is out of the way for just about everyone" and has no businesses other than a "firehouse and a vet's office and the P.O.," whereas Climax is "on the way to [Coxsackie] to do other business, like food shopping, Gas stations, Restaurants, and Banking etc." See Letter of Appeal and Participant Statement. Mr. Welch likewise notes that customers should not be "forced" to "a much more suburban rural area to buy stamps, mail a loved one a gift, purchase money order" when the Climax Post Office is in customers' usual "line of travel." See

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<sup>20</sup> FD at 1.

Welch Letter. These concerns were considered by the Postal Service alongside other issues surrounding the impact of closing the Climax Post Office upon the provision of postal services to Climax customers. FD at 2-6; Item No. 33, Proposal, at 2-6; Item No. 41, Revised Proposal, at 2-7.

With the exception of P.O. Box customers or situations in which customers need to retrieve a package that did not fit in a roadside box is not eligible to be placed somewhere safely in their home (such as on a porch or under a carport), the choice of Earlton over any other Post Office does not have a large impact. As explained throughout the administrative record, carriers can perform many functions (at the same time that the carrier delivers the mail) that will avert the need to go to any Post Office, Earlton or otherwise, or even having to interact with a carrier for most postal transactions.

Carrier service is especially beneficial to many senior citizens and those who face special challenges because the carrier can provide delivery and retail services to roadside mailboxes or cluster box units. FD at 4; Item 22, Returned Optional Comment Forms and USPS Response letters, at 202, 218, 285; Item No. 23, Customer Questionnaire Analysis, at 3; Item No. 25, Community Meeting Analysis, at 2; Item No. 33, Proposal, at 4; Item No. 41, Revised Proposal, at 4. Customers do not have to make a special trip to the Post Office for service.<sup>21</sup> Stamps by Mail and Money Order Application forms are available for customer convenience, and stamps are also

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<sup>21</sup> This should alleviate Mr. Welch's concern that "forcing" customers to "suburban rural areas to buy stamps, mail a loved one a gift, [or] purchase money orders" is going to drive income away from the Postal Service – customers need not travel to the Post Office at all for most services.

available at many stores and gas stations, online at [usps.com](https://usps.com), or by calling 1-800-STAMP-24. FD, at 4, 5, 6; Item No. 22, Returned Optional Comment Forms and USPS Response letters, at 204, 206, 207, 213, 216, 228, 233, 234, 242, 262, 271, 272, 273, 280, 284, 285, 288, 289, 290, 296, 298; Item No. 23, Customer Questionnaire Analysis, at 3, 4; Item No. 25, Community Meeting Analysis, at 2; Item No. 33, Proposal, at 4, 5, 7; Item No. 38, Customer Comments and USPS Response Letters at 16, 19, 20, 22, 23; Item No. 40, Analysis of Comments, at 1; Item No. 41, Revised Proposal, at 4, 5, 7.

Customers can also request special services, such as certified, registered, or Express mail, delivery confirmation, signature confirmation, and COD from the carrier. FD at 4; Item No. 22, Returned Optional Comment Forms and USPS Response letters, at 216; Item No. 23, Customer Questionnaire Analysis, at 3; Item No. 25, Community Meeting Analysis, at 2; Item No. 33, Proposal, at 4; Item No. 38, Customer Comments and USPS Response Letters, at 20; Item No. 40, Analysis of Comments, at 1; Item No. 41, Revised Proposal, at 4. Customers who desire such special services may leave a note in their box instructing the carrier to sound the horn and then meet the carrier to receive the services, or may leave a note with payment and the carrier will leave a receipt the next day. FD at 4; Item No. 22, Returned Optional Comment Forms and USPS Response letters, at 254; Item No. 33, Proposal, at 4; Item No. 38, Customer Comments and USPS Response Letters, at 20; Item No. 40, Analysis of Comments, at 1; Item No. 41, Revised Proposal, at 4.

Further, most transactions do not require meeting the carrier at the mailbox. FD at 4, 5, 6; Item 22, Returned Optional Comment Forms and USPS Response letters, at



204, 206, 207, 213, 216, 228, 233, 234, 242, 262, 266, 271, 272, 273, 280, 284, 285, 288, 289, 290, 296, 298; Item No. 23, Customer Questionnaire Analysis, at 3, 4; Item No. 25, Community Meeting Analysis, at 1, 2; Item No. 33, Proposal, at 4, 5, 7; Item No. 38, Customer Comments and USPS Response Letters, at 16, 19, 20, 22, 23; Item No. 40, Analysis of Comments, at 1; Item No. 41, Revised Proposal, at 4, 5, 7. Special provisions are made, on request, for hardship cases or special customer needs. FD at 4; Item 22, Returned Optional Comment Forms and USPS Response letters, at 202, 218, 285; Item No. 23, Postal Customer Questionnaire Analysis, at 3; Item No. 25, Community Meeting Analysis, at 3; Item No. 33, Proposal, at 4; Item No. 41, Revised Proposal, at 4.

Upon the implementation of the Final Determination, delivery and retail services will be provided by HCR delivery emanating from the Earlton Post Office. In addition to HCR delivery, which is the recommended alternate service, customers may also receive postal services at the Earlton Post Office, which is located three miles away. The window service hours of the Earlton Post Office are from 8:15 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m., Monday through Friday and from 9:00 a.m. to 11:00 a.m. on Saturdays. FD, at 2, 8; Item No. 21, Letter to Customer, at 1; Item No. 33, Proposal, at 2, 8; Item No. 41, Revised Proposal, at 2, 9. Furthermore, the special attention and assistance provided by the personnel at the Climax Post Office will be provided by personnel at the Earlton Post Office and from the carrier. FD at 3; Item No. 33, Proposal, at 3; Item No. 41, Revised Proposal, at 3. Thus, the Postal Service has

properly concluded that all Climax customers will continue to receive regular and effective service via HCR service.

### **Effect Upon the Climax Community**

The Postal Service is obligated to consider the effect of its decision to close the Climax Post Office upon the Climax community. 39 U.S.C. § 404(d)(2)(A)(i). While the primary purpose of the Postal Service is to provide postal services, the statute recognizes the substantial role in community affairs often played by local Post Offices, and requires consideration of that role whenever the Postal Service proposes to discontinue a Post Office.

Climax is an unincorporated rural community located in Greene County. The community is administered politically by Coxsackie, which also provides police protection. Fire protection is provided by the Earlton Fire Department. FD at 6; Item No. 16, Community Survey Fact Sheet; Item No.33, Proposal at 7; Item No. 41, Revised Proposal, at 7. The questionnaires completed by Climax customers indicate that, in general, the retirees, farmers, commuters, and others who reside in Climax must travel elsewhere for other supplies and services. See *generally* FD at 6; Item No. 22, Returned customer questionnaires and Postal Service response letters; Item No. 33, Proposal at 7; Item No. 41, Revised Proposal, at 7. The town has seven businesses and two churches. FD at 6; Item No. 13, Administrative Postmaster/OIC Comments; Item No. 18, Post Office Fact Sheet; Item No. 33, Proposal, at 7; Item No. 41, Revised Proposal, at 7; Item No. 42, Revised Post Office Fact Sheet, at 1.

The Petitioner's letter of appeal and Participant Statement raise the issue of the effect of closing the Climax Post Office upon the Climax community. More specifically, Petitioner contends that many residents – including the signatories to a petition – “depend on the climax post office and they also come from out of town to use it.” See Letter of Appeal. Additionally, Mr. Welch also notes in his letter that a rural post office is “one of the greatest aspects of living in such a rural area” due to the level of service there, such that “a rural post office such as this one makes you feel like your part of a community rather than just a number to a large corporation.” See Welch Letter. The Postal Service is cognizant of the importance of the Climax Post Office to members of the community and extensively considered those issues, as reflected in the administrative record. FD, at 6-7; Item No. 22, Returned customer questionnaires and Postal Service response letters, at 218, 233, 234, 261, 280, 283; Item No. 23, Customer Questionnaire Analysis; Item No. 25, Community Meeting Analysis; Item No. 33, Proposal, at 7; Item No. 40, Analysis of Comments, at 1-2 Item No. 41, Revised Proposal, at 7.

For example, a number of customers had commented that the community might lose its identity in the absence of the Climax Post Office. In response, the Postal Service explained that a community's identity derives from the interest and vitality of its residents and their use of its name, and that Climax customers would be able to retain the Climax name and ZIP Code in addresses. FD at 7; Item 22, Returned Optional Comment Forms and USPS Response letters, at 218, 280, 283; Item No. 23, Customer Questionnaire Analysis at 4; Item No. 25 , Community Meeting Analysis at 3; Item No.

33, Proposal at 7; Item No. 41, Revised Proposal, at 7. Only customers who elect to close their P.O. Boxes will be required to change their address. FD at 3; Item No. 22, Returned Optional Comment Forms and USPS Response letters, at 244; Item No. 23, Customer Questionnaire Analysis, at 3; Item No. 33, Proposal, at 3; Item No. 41, Revised Proposal, at 3. Additionally, the Postal Service noted that residents may continue to meet informally, socialize, and share information at other businesses, churches, and residences in town, and the public bulletin board once at the Climax Post Office can be placed elsewhere (including at Earlton). FD at 7; Item No. 22, Returned Optional Comment Forms and USPS Response Letters, at 218; Item No. 23, Customer Questionnaire Analysis, at 4; Item No. 33, Proposal, at 7; Item No. 38, Customer Comments and USPS Response Letters, at 22; Item No. 40, Analysis of Comments, at 2; Item No. 41, Revised Proposal, at 7.

Nonetheless, the Postal Service determined that its customers could continue to receive effective postal services elsewhere. Communities generally require regular and effective postal services and these will continue to be provided to the Climax community. HCR service is expected to be able to handle any future growth in the community. FD, at 8; Item No. 33, Proposal, at 8; Item No. 41, Revised Proposal, at 9. In addition, the Postal Service has concluded that nonpostal services provided by the Climax Post Office can be provided by the Earlton Post Office. Government forms usually provided by the Post Office are also available by contacting local government agencies. FD at 6; Item No. 33, Proposal, at 7; Item No. 38, Customer Comments and USPS Response Letters, at 20, 23; Item No. 41, Revised Proposal, at 7; Item No. 40,

Analysis of Comments, at 1. Personnel at the Earlton Post Office will provide courteous and helpful service, as well as special assistance as needed. FD at 3; Item No. 22, Returned Optional Comment Forms and USPS Response Letters, at 233, 234, 261; Item No. 23, Customer Questionnaire Analysis, at 2-3; Item No. 25, Community Meeting Analysis, at 1; Item No. 33, Proposal, at 3; Item No. 41, Revised Proposal, at 3.

Thus, the Postal Service has met its burden, as set forth in 39 U.S.C. § 404(d)(2)(A)(i), by considering the effect of closing the Climax Post Office on the community served by the Climax Post Office.

### **Economic Savings**

Postal officials also properly considered the economic savings that would result from the proposed closing, as provided under 39 U.S.C. § 404(d)(2)(A)(iv). The Postal Service estimates that HCR service would cost the Postal Service substantially less than maintaining the Climax Post Office and would still provide regular and effective service. Item No. 21, Letter to Postal Customer, at 1. The estimated annual savings associated with discontinuing the Climax Post Office are \$ \$41,383 (\$55,499 in annual costs less \$14,116 in costs for replacement service. FD at 7, 8; Item No. 29, Proposal Checklist, at 2; Item No. 33, Proposal, at 8; Item No. 41, Revised Proposal, at 9.

Economic factors are one of several factors that the Postal Service considered, and economic savings have been calculated as required for discontinuance studies, which is noted throughout the administrative record and consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iv). FD at 7; Item No. 29, Proposal Checklist, at 2; Item No. 33, Proposal, at 8; Item No. 41, Revised Proposal, at 9.

Petitioner does not raise any issues with regard to the Postal Service's calculation of economic savings. However, Mr. Welch, in his letter, suggests various strategies that he believes would further reduce costs for the Postal Service as a whole, in lieu of closing rural offices with small budgets. For instance, he suggests eliminating Saturday delivery. The Postal Service has broad experience with and has considered similar options, including changes to Saturday delivery, though the Postal Service appreciates these suggestions. However, the Postal Service still must adhere to its obligation to maintain post facilities in conformity with reasonable economies of postal operations while maintaining ready access to essential postal services. Moreover, the Postal Service is only required to demonstrate that the closure of the specific Post Office under review will satisfy the criteria set forth in § 404(d), not whether the impact of closing a number of rural offices will have a large impact on the Postal Service's financial situation. In this case, the Postal Service has determined that HCR service operated out of the Earlton Post Office is the most effective solution for providing regular and effective service to the Climax community.

The Postal Service determined that HCR service will be more effective than maintaining the Climax postal facility and Postmaster position. FD at 8. The Postal Service's estimates are supported by record evidence, in accordance with the Postal Service's statutory obligations. The Postal Service, therefore, has considered the economic savings to the Postal Service resulting from such a closing, consistent with its statutory obligations and Commission precedent. See 39 U.S.C. § 404(d)(2)(A)(iv).

### **Effect on Employees**

As documented in the record, the impact on postal employees is minimal. The Postmaster was promoted on March 13, 2010. A noncareer employee from a neighboring office was installed as the temporary OIC. The noncareer PMR serving as the OIC may be separated from the Postal Service, although attempts will be made to reassign the employee to a nearby facility. The record shows that no other employee would be affected by this closing. FD at 2, 8; Item No. 15, Post Office Survey Sheet, at 1; Item No. 33, Proposal, at 2, 8; Item No. 41, Revised Proposal, at 2, 9.

Petitioner expresses some concern for the PMR, noting the unfairness of the PMR "losing her full time job and they degraded her as a sub now." The Postal Service did consider the impact of the closing on the PMR. However, the PMR who served at the Climax Post Office was a noncareer employee. The Postal Service regrets any negative impact that this closing has on the PMR, but, as the record reflects, the Postal Service will make efforts to reassign her to another position nearby. FD at 2, 8; Item No. 15, Post Office Survey Sheet, at 1; Item No. 33, Proposal, at 2, 8; Item No. 41, Revised Proposal, at 2,9.

Therefore, in making the determination, the Postal Service considered the effect of the closing on the employees at the Climax Post Office, consistent with its statutory obligations. See 39 U.S.C. § 404(d)(2)(A)(ii).

### **Other Matters: Procedural Issues**

Petitioner also alleges that the Postal Service did not properly handle the community meeting held on May 16, 2011 and questions instructions concerning a petition that she posted in the Climax Post Office. The Postal Service has investigated this matter and does not share Petitioner's views.

First, Petitioner states that the community meeting should have been held at the Climax Post Office instead of the Earlton Post Office. As the record does not reflect that customers raised this as a concern during the discontinuance process, the administrative record does not contain a response that explains the choice of location. However, in response to the concern raised in the Participant Statement, the responsible Manager of Post Office Operations has advised the undersigned that the Postal Service chose to hold the meeting in nearby Earlton rather than Climax because the Climax Post Office was too small to accommodate the expected number of attendees.

Second, Petitioner states that the Postal Service did not give customers enough advance notice of when the meeting would occur. However, the Postal Service complied with relevant Postal Service regulations in this regard. More specifically, the Postal Service notified customers about the May 16, 2011 meeting in the cover letter that accompanied customer questionnaires, which was mailed on April 28, 2011 – 18 days before the meeting. Item No. 21, Letter to Customer, at 1. That was more time than required by Postal Service regulations. See former Handbook PO-101 at § 263.



Third, in her Participant Statement, Petitioner states that the meeting time, which was set at 5:00 p.m. on a weekday, was an inconvenient time to hold the community meeting. The administrative record shows that the meeting was not held at 5:00 p.m., but instead was held open house style from 5:30 to 6:30 p.m.<sup>22</sup> Item No. 21, Letter to Customers, at 1; Item No. 24, Community Meeting Roster, at 1-2. Moreover, the Postal Service notes that its internal regulations give local discontinuance coordinators flexibility in determining meeting times that encourage customer participation. See former Handbook PO-101 at § 262, and current Handbook PO-101 § 251.1. No single time is ever consistent with all customer preferences; hours within an office's normal hours of operation generally suit customers who routinely visit that office, while inconveniencing customers who only occasionally visit the office, thereby conflicting with their work hours in many cases. Evening hours may suit the occasional customers, while inconveniencing regular customers. That is one reason why a discontinuance study process affords customers multiple avenues for providing their input: questionnaires, community meeting, written correspondence at any time, and if those opportunities do not suffice, then formal comments on a proposal posted for 60 days provide another means for submission of customer input.

Fourth, in her Participant Statement, Petitioner states that “[i]t was in the newspaper after our meeting saying who ever had the most people at the meeting wasn’t go[i]ng to be closed. That is some way to run a business.” The Postal Service is not aware of the newspaper article that Petitioner references. Moreover, the Manager

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<sup>22</sup> The Manager of Post Office Operations states that he was still on site taking questions until 7:00 p.m. that day.

of Post Office Operations, who conducted the community meeting, denies that he ever made any statement to that effect.

Finally, Petitioner in her letter of appeal questions instructions by the Administrative Discontinuance Coordinator to the effect that Petitioner erred in posting the petition at the Climax Post Office. The Administrative Discontinuance Coordinator correctly concluded that the Post Office is not a proper place to collect signatures for a petition. Regulations governing conduct on all real property under the charge and control of the Postal Service are contained in the Code of Federal Regulations and summarized in Poster 7, which is posted prominently in postal facilities. These regulations restrict non-postal or unofficial activities on postal property. Specifically, with the exception of the limited display of official government notices, the posting of non-Postal Service materials in lobbies or other public access areas is prohibited. See 39 C.F.R. § 232.1(o). The collection of signatures on petitions, polls, or surveys on Postal Service property is also prohibited. See 39 C.F.R. 232.1(h)(1). Because petitions and other non-postal materials may be posted and signatures gathered on other public properties that are not under the charge and control of the Postal Service, courts have upheld these restrictions in other contexts. Further, in this instance, the Postal Service denies allegations that the Administrative Discontinuance Coordinator was “rude” or “yelled at” Petitioner. Rather, the Administrative Discontinuance Coordinator explained to Petitioner that the Post Office is not an authorized location to obtain signatures on a petition.

## **Conclusion**

As reflected throughout the administrative record, the Postal Service has followed the proper procedures and carefully considered the effect of closing the Climax Post Office on the provision of postal services and on the Climax community, as well as the economic savings that would result from the proposed closing, the effect on postal employees, and other factors, consistent with the mandate of 39 U.S.C. § 404(d)(2)(A).

After taking all factors into consideration, the Postal Service determined that the advantages of discontinuance outweigh the disadvantages. In addition, the Postal Service concluded that after the discontinuance, the Postal Service will continue to provide effective and regular service to Climax customers. FD at 8. The Postal Service respectfully submits that this conclusion is consistent with and supported by the administrative record and is in accord with the policies stated in 39 U.S.C. § 404(d)(2)(A). The Postal Service's decision to close the Climax Post Office should, accordingly, be affirmed.

The Postal Service respectfully requests that the determination to close the Climax Post Office be affirmed.

Respectfully submitted,

**UNITED STATES POSTAL SERVICE**

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